Affirmative Procurement Program (APP)

Purchasing Environmentally Preferable Products

28 Mar 01

What is Affirmative Procurement?

- The purchase of environmentally preferable products
- Directed by law, Executive Order, and Air Force policy
- Described in detail in the Air Force "Guide to Green Purchasing"
  - **Online at the 45 CONS website**

Program Objectives

To increase government purchases of environmentally friendly products. Helping to create and expand the markets for these products.

Why must we do this?

Executive Order (EO) 13101

"Greening the Government through Waste Prevention, Recycling, and Federal Acquisition"

- **Takes legal authority from the Resource Conservation & Recovery Act (RCRA)**
- **Is now part of EPA hazardous waste inspections**
- **Installations can get a Notice of Violation for failure to comply**

What We Must Do?

- Work to increase our purchases of:
  - **Recycled-content products** listed by EPA
  - **Biobased products** to be designated by USDA
- Specify these products when buying by contract
- Buy appropriate products for in-house use

These actions are part of an installation's overall affirmative procurement program

What actions are affected?

Affirmative procurement applies to all appropriated fund purchases from any source, by any means

- Bought by Purchase Request or with a government credit card
- For contract actions or in-house use
- From local purchases or central supply

Are there any exceptions?

Recycled-content products need not be used if they -

- Do not meet technical performance requirements
- Cost more than comparable non-recycled-content products
- Are sole-source items
- Are not available in a timely manner

How are exceptions claimed?

- EO 13101 and FAR requires a written determination for each noncompliant purchase over $2,500
  - **45 SW has an AP determination form**
  - **Must be signed by organizational commander**
- The “Guide to Green Purchasing” contains additional information
  - **On the 45 CONS website**

What products are affected?

- EPA designates the products we should purchase made with recycled materials
  - **Comprehensive Procurement Guidelines (CPG) are lists of recycled-content "Guideline Items"**
  - **Many of the CPG items are commonly used by Air Force personnel and contractors**
- Biobased products will be in a separate list that is managed by USDA, not EPA

Beyond Recycled and Biobased…

- EO 13101 encourages the use of all types of environmentally preferable products
  - **Energy efficient, water conserving, recyclable, non-toxic, low in VOC emissions**
- Product selection should consider environment, performance, and cost
  - **Use life-cycle cost to identify the best value**
- The final decision is the project manager's
  - **When CPG items are involved, the logic must be documented in the project file**

Summary

- WHO - All of us must participate
- WHAT - Implement Affirmative Procurement
- WHERE - With Every purchase, design and contract
- WHEN - Right Now
- WHY - It’s the LAW (and it’s the right thing to do)

Affirmative Procurement Web Site

- One stop information center for AP!

45th Contracting Squadron Affirmative Procurement Program - Microsoft Internet Explorer
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Affirmative Procurement (AP)
Affirmative procurement simply means showing our preference for buying recycled-content products, rather than products made only of virgin materials. This closes the recycling loop by providing commercial markets for recycled and recovered materials. The main purpose of this program is to increase government purchases of environmentally friendly products. The program is directed by law, Executive Order, and Air Force policy.
Products/Suppliers
Guide to Green Purchasing
Policy/Plans/ Briefings
Contract Package
GPC
Training
Reports
AP Links
CE/BioEnvironmental/ Supply/Contracting
Reduce
Reuse
Recycle
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Regulatory Drivers – What Applies?

- **The Affirmative Procurement Program (APP) is legally required by the Resource Conservation and Recovery Act (RCRA) Section 6002 (42 USC 6962)**
- **RCRA AP Four Elements:**
  - **A preference program which includes policy, planning and revisions to purchasing specifications**
  - **A promotion program to further awareness, education and public relations**
  - **A method of obtaining and verifying vendor certifications that products meet specified recycled-content requirements**
  - **Annual monitoring and review**

Regulatory Drivers – What Applies? (cont)

- **EO 13101** **"Greening the Government Through Waste Prevention, recycling and Federal Acquisition"**
  - **Program is known as Affirmative Procurement**
- **"CE and LG policy memo**, **31 May 2000, "Air Force Affirmative Procurement Program"**
- **AFI 32-7080** **"Compliance Assurance and Pollution Prevention" requires a team approach**
- **Engineering Technical Letter (ETL) 00-1** **requires affirmative procurement be included in all CE specifications for:**
  - **Construction projects**
  - **Service contracts**
- **Federal Acquisition Regulation (FAR) – Parts 23, 36 and 52**

FAR Requirements

- **FAC 97-18 - implements E.O. 13101 - Requires all contracting officers who buy supplies, including supplies furnished under a service contract, [illegible] the proper FAR clauses are applied to solicitations and contracts**
- **FAR Part 23.4 - Use of Recovered Materials – Prescribes policies and procedures for acquiring EPA designated products through AP**
- **FAR Part 23.405(c) – A written determination must be placed in the contract file**
- **FAR Part 23.7 - Contracting for Environmentally preferable and Energy-Efficient Products/Services**
- **FAR 52.223-4 - Solicitation Provision for solicitations that are for or specify the use of recovered materials**

FAR Requirements (cont)

- **DFARS 223.404(b)(3) states:**
  - **"A contract for an EPA designated item that does not meet the EPA minimum recovered material standards shall NOT be awarded before approval of the written determination required by FAR 23.405 (c).**
  - **Micro purchases (under $2500) are exempt from written determinations - therefore GPC don't need written determinations HOWEVER, purchases for CPG items still need to meet the EPA recommended content limits**
- **FAR 52.223-9 - Clause for Certification and Estimate of Percentage of Recovered Material Content for EPA Designated Items for contracts exceeding $100,000**

What are the FAR requirements for engineering project managers?

- **FAR 36.602-1 lists selection criteria for A-E firms, requiring specialized experience and technical competence in energy conservation, pollution prevention, waste reduction, and the use of recovered materials as appropriate**

- **FAR 36.601-3 states that Statements of Work for A-E services shall require the A-E to specify the maximum practicable amount of recovered materials, consistent with performance requirements, availability, price reasonableness, and cost effectiveness**

What are the FAR requirements for the A-E firm?

- **FAR 36.601-3 requires the A-E to consider energy conservation, pollution prevention, and waste reduction to the maximum extent practicable in the specifications**
  - **Engineering Technical Letter (ETL) 00-1 requires affirmative procurement be included in all Air Force Civil Engineering specifications for construction and service contracts**
- **FAR 7.103(o) requires requirement specifications, works statements, plans and drawings to promote the use of recovered material content**

What about service contracts?

Several CPG items are commonly used:

- **Grounds Maintenance**
  - compost and mulch
- **Reproduction**
  - paper, toner cartridges, printer ribbons
- **Custodial**
  - sanitary tissue products

What about USAF credit card purchases?

- **All credit card purchasers must select products meeting EPA recovered material content requirements**
  - **Unless an exemption applies**
  - **Exemptions require a written determination by the organizations commander and it must be placed in the purchase file unless the items are less than $2,500**

- **It is important to understand that exemptions are unique circumstances for individual purchases. They do not provide an excuse for avoiding APP requirements in general**

What about data collection and reporting?

- **No one wants to count the number or cost of CPG items purchased**
- **"White House Task Force on Recycling" is working on a more acceptable plan**
  - **Proposal: Report only the numbers of contracts that include CPG items**
  - **This would be done on DD Form 350, Individual Contracting Action Report**
  - **Also proposed: a pilot project for automatically tracking credit card purchases of selected products**
  - **Until new plan is finalized, current approach will continue**

Summarizing the Requirements

- **Whenever a CPG item is purchased:**
  - **Recycled-content products must be used unless an exemption is claimed (in writing, if over $2500)**
  - **Make sure the Contracting Officer knows that the contract includes CPG items**
- **Product selection is still up to the technical expert - the project manager**
  - **Be environmentally responsible. Remember that biobased product purchases are "encouraged"**
  - **Make logical decisions, and document them**

Summarizing the Requirements (cont)

- **EO 13101 states “For the EPA designated guideline items … agencies shall ensure that their affirmative procurement programs require 100 percent of their purchases of products to meet or exceed the EPA guideline”**

What are the CPG Product Categories?

- Construction Products
- Landscaping Products
- Non-Paper Office Products
- Paper and Paper Products
- Park and Recreation Products
- Transportation Products
- Vehicular Products
- Miscellaneous Products

What Construction Products are on EPA's CPG list?

- Building insulation
- Polyester carpet
- Cement & concrete containing:
  - Coal fly ash
  - Ground granulated blast furnace slag (GGBF slag)
- Latex paint
- Floor tiles
- Laminated paperboard
- Patio blocks
- Carpet cushion
- Flowable fill
- Railroad grade crossings/surfaces
- Shower & restroom dividers/partitions
- Structural fiberboard

FOR DETAILED PRODUCT INFORMATION: VISIT THE EPA WEB SITE

http://www.epa.gov/cpg/products.htm

What Landscaping Products are on EPA's CPG list?

- Garden and soaker hoses
- Hydraulic mulch
- Lawn and garden edging
- Yard trimmings compost
- Food waste compost
- Landscaping timbers and posts (plastic lumber)

FOR DETAILED PRODUCT INFORMATION:
VISIT THE EPA WEB SITE

http://www.epa.gov/cpg/products.htm

What Park and Recreation Products are on EPA's CPG list?

- Plastic fencing for erosion control and safety barriers
- Playground surfaces
- Running tracks
- Park and recreational furniture
- Playground equipment

FOR DETAILED PRODUCT INFORMATION:
VISIT THE EPA WEB SITE

http://www.epa.gov/cpg/products.htm

Misconceptions

- Recycled content products are inferior
- Environmentally preferable products always cost a lot more
- These products have limited availability
- Manufacturing recycled content products uses more energy than manufacturing products made of virgin materials

Possible Product Benefits

A recycled-content product may have cost benefits as well as environmental benefits

Example: recycled-content lumber (plastic or wood/plastic composites)

- Reduces maintenance - no painting, EVER! (cost avoided, less work, less pollution)
- Material lasts longer and does not rot
- Eliminates coatings, preservatives and some pesticides (often toxic)
- Eliminates the use of a virgin resource and provides a use for recycled plastic materials

Waste Disposal Avoided by Using Recycled-Content Products

Product	Quantity	Waste Disposal Avoided
Polyester Carpet	89 houses	320,000 plastic soda bottles
Rubber Carpet Pad	4,000 Yds	400 tires
Ceramic Tile	24,000 SF	48,000 lbs of glass - 36,000 containers
Bathroom Partitions	300 Stalls	600,000 plastic milk cartons
Playground Surfaces	Six 24 x 24 playgrounds	1,720 tires
Picnic Tables	25	50,000 plastic bottles
Plastic Fence	500 feet	332,000 plastic bottles
Parking Stops	500	260,000 plastic bottles

Source: Government Sales Associates Internet site, www.governmentsales.com

Bitter Lake Community Center, Seattle, WA

Ceiling tiles made with recycled materials

Central Market, Seattle
Column with recycled steel and flyash concrete

Delridge Community Center *Recycled-content partitions and floor tiles*

Golden Gardens Boardwalk, Seattle
Recycled plastic lumber

What products are on the biobased product list?

- The final list of biobased products has not been published by USDA

www.bioproducts-bioenergy.gov/about.html

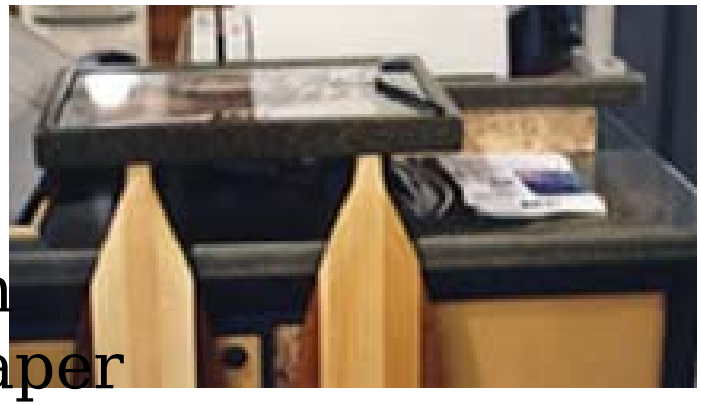
Biobased Products

Examples of biobased products:

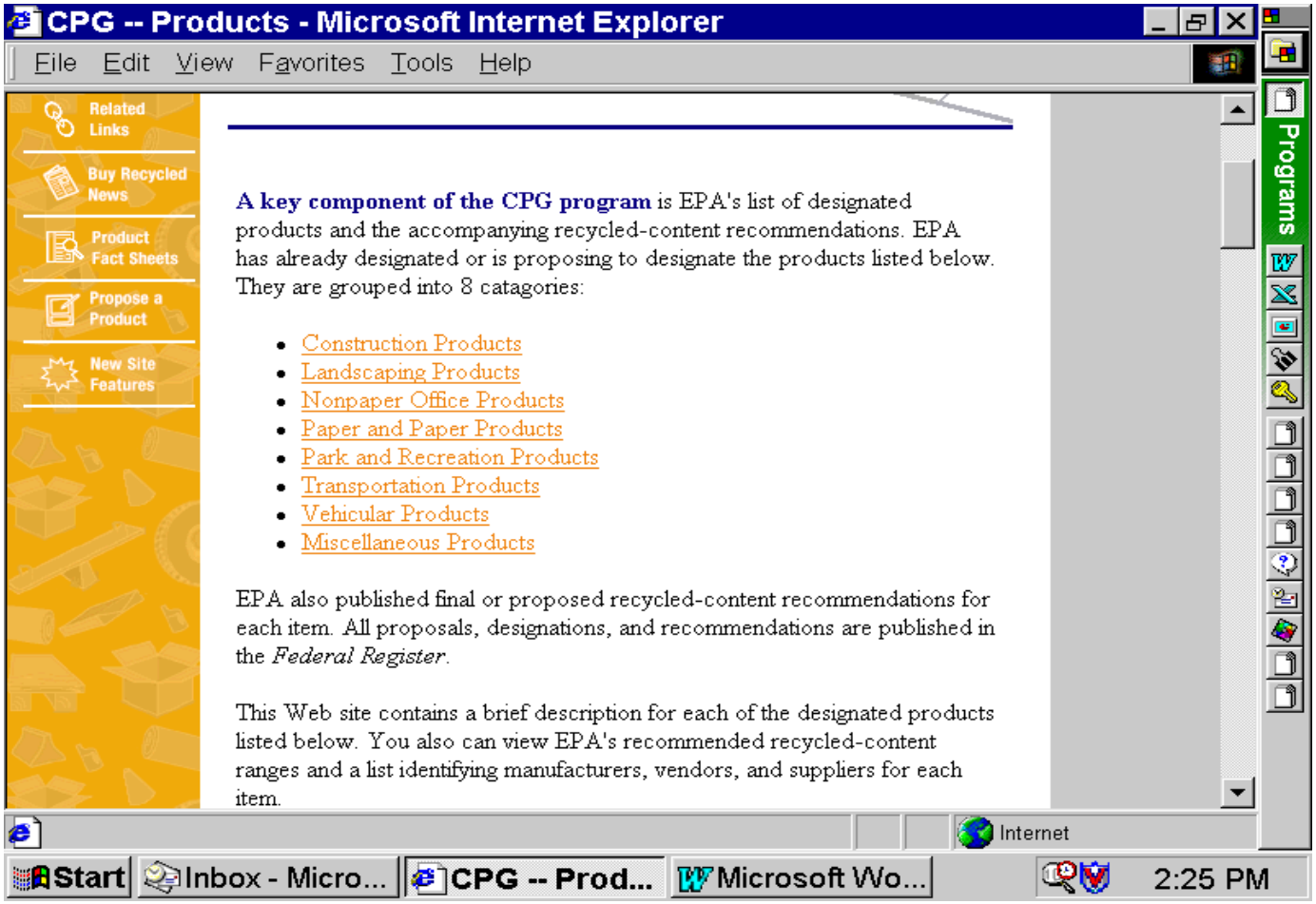
- Erosion mats; potting soil and compost; natural pesticides
- Oil absorbent and bioremediation products
- Starch-based biodegradable plastic adhesives, coatings and films, and package filler (similar to plastic “peanuts”)
- Building panels - for load bearing walls and for cabinetry
- Composite materials resembling stone, for flooring and furniture
- Vegetable based release agent for concrete forms
- Automotive engine and transmission lubricants, windshield washer fluid, and antifreeze; ethanol fuel additive for diesel engines
- Lubricant for metalworking
- Cleaning products
- Tree-free kenaf paper that is also chlorine-free

"Agriboard" structural panels in housing construction

Countertop made from "biocomposite" - a combination of soybean protein and recycled paper



EPA CPG Web Site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Related Links
Buy Recycled News
Product Fact Sheets
Propose a Product
New Site Features
A key component of the CPG program is EPA's list of designated products and the accompanying recycled-content recommendations. EPA has already designated or is proposing to designate the products listed below. They are grouped into 8 catagories:
Construction Products
Landscaping Products
Nonpaper Office Products
Paper and Paper Products
Park and Recreation Products
Transportation Products
Vehicular Products
Miscellaneous Products
EPA also published final or proposed recycled-content recommendations for each item. All proposals, designations, and recommendations are published in the Federal Register.
This Web site contains a brief description for each of the designated products listed below. You also can view EPA's recommended recycled-content ranges and a list identifying manufacturers, vendors, and suppliers for each item.
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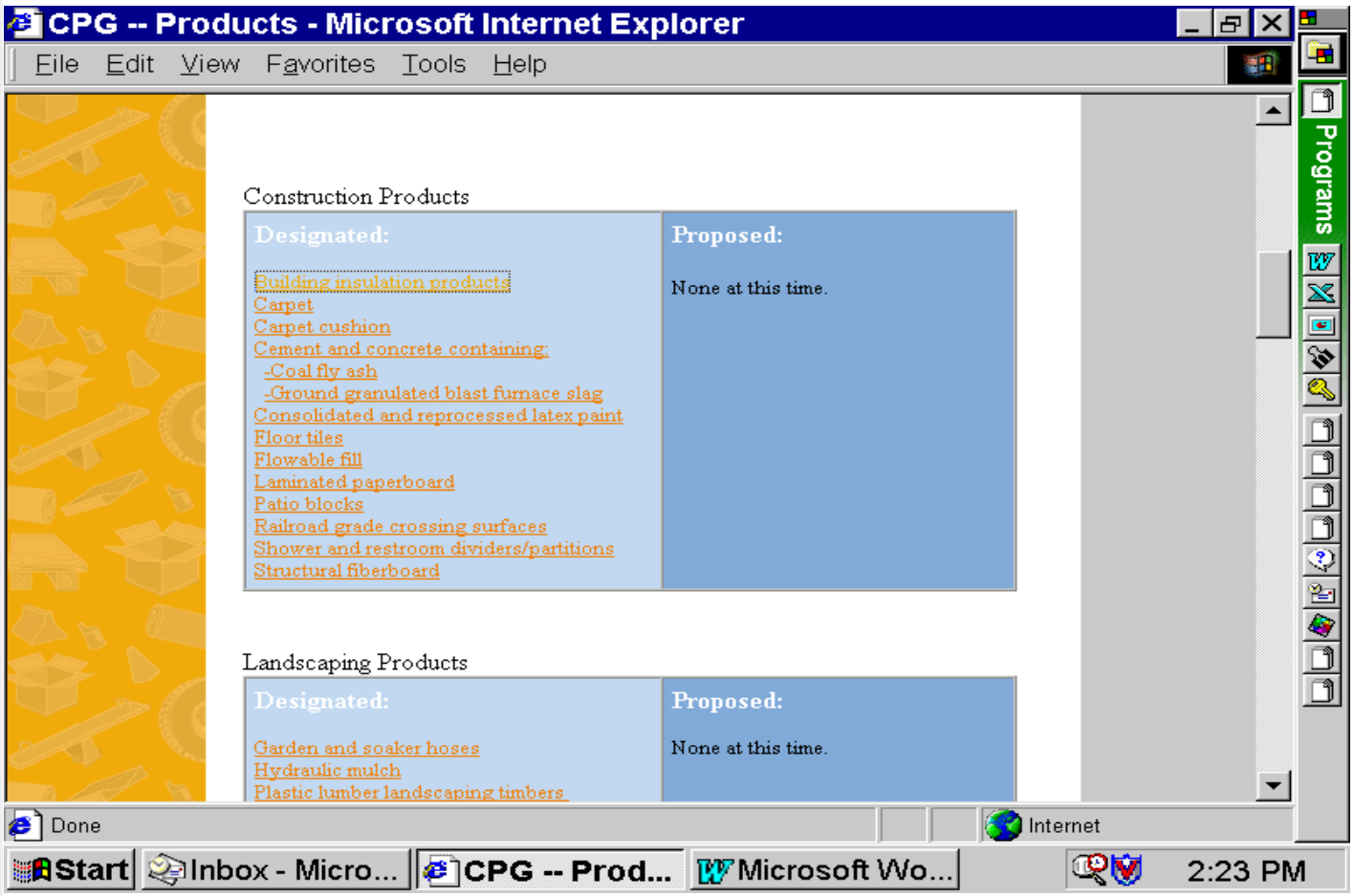
EPA CPG Web Site (cont)



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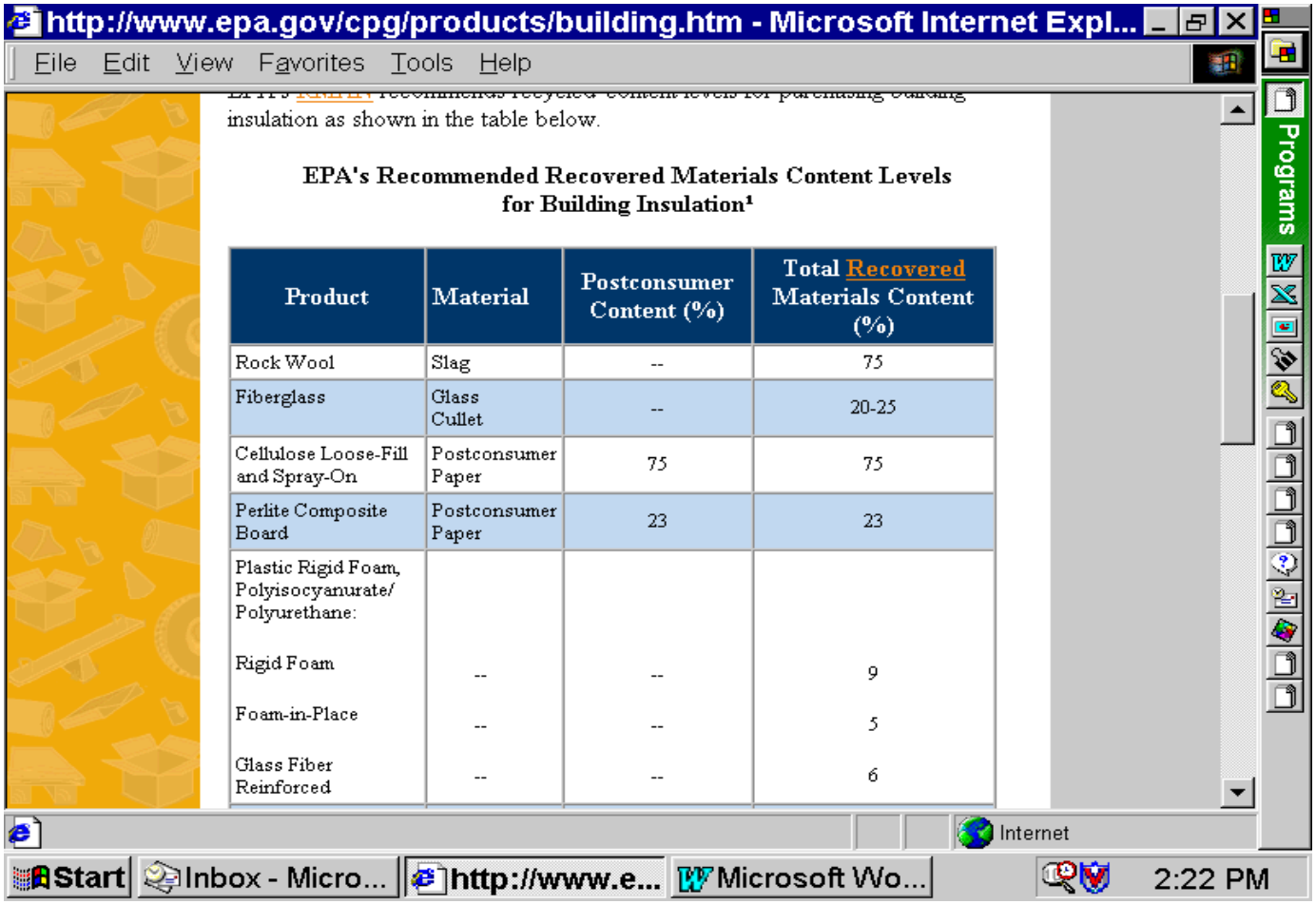
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insulation as shown in the table below.
EPA's Recommended Recovered Materials Content Levels for Building Insulation¹
Product | Material | Postconsumer Content (%) | Total Recovered Materials Content (%)
Rock Wool | Slag | -- | 75
Fiberglass | Glass Cullet | -- | 20-25
Cellulose Loose-Fill and Spray-On | Postconsumer Paper | 75 | 75
Perlite Composite Board | Postconsumer Paper | 23 | 23
Plastic Rigid Foam, Polyisocyanurate/ Polyurethane:
Rigid Foam | -- | -- | 9
Foam-in-Place | -- | -- | 5
Glass Fiber Reinforced | -- | -- | 6
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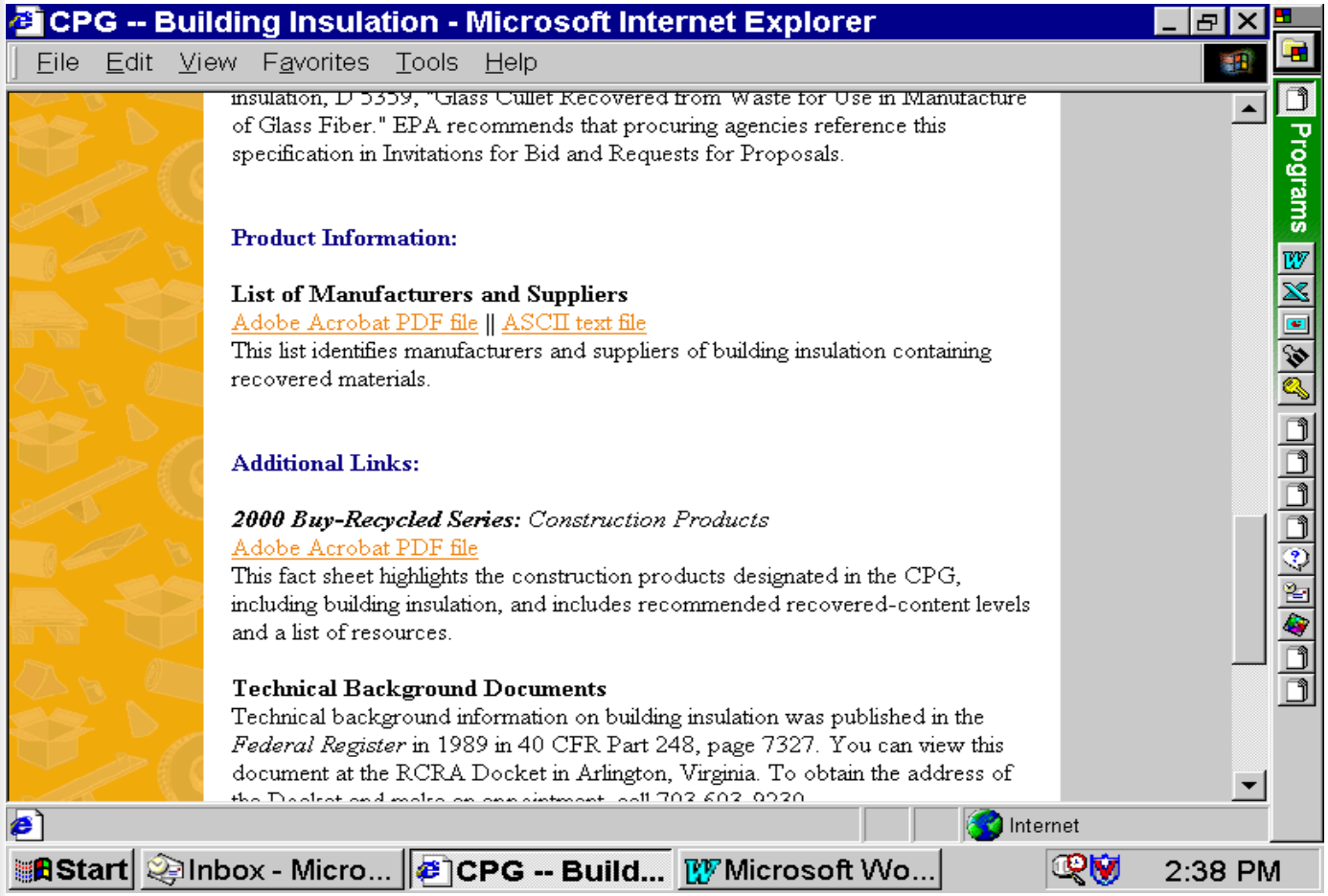
CPG -- Building Insulation - Microsoft Internet Explorer
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of Glass Fiber." EPA recommends that procuring agencies reference this specification in Invitations for Bid and Requests for Proposals.
Product Information:
List of Manufacturers and Suppliers
Adobe Acrobat PDF file || ASCII text file
This list identifies manufacturers and suppliers of building insulation containing recovered materials.
Additional Links:
2000 Buy-Recycled Series: Construction Products
Adobe Acrobat PDF file
This fact sheet highlights the construction products designated in the CPG, including building insulation, and includes recommended recovered-content levels and a list of resources.
Technical Background Documents
Technical background information on building insulation was published in the Federal Register in 1989 in 40 CFR Part 248, page 7327. You can view this document at the RCRA Docket in Arlington, Virginia. To obtain the address of
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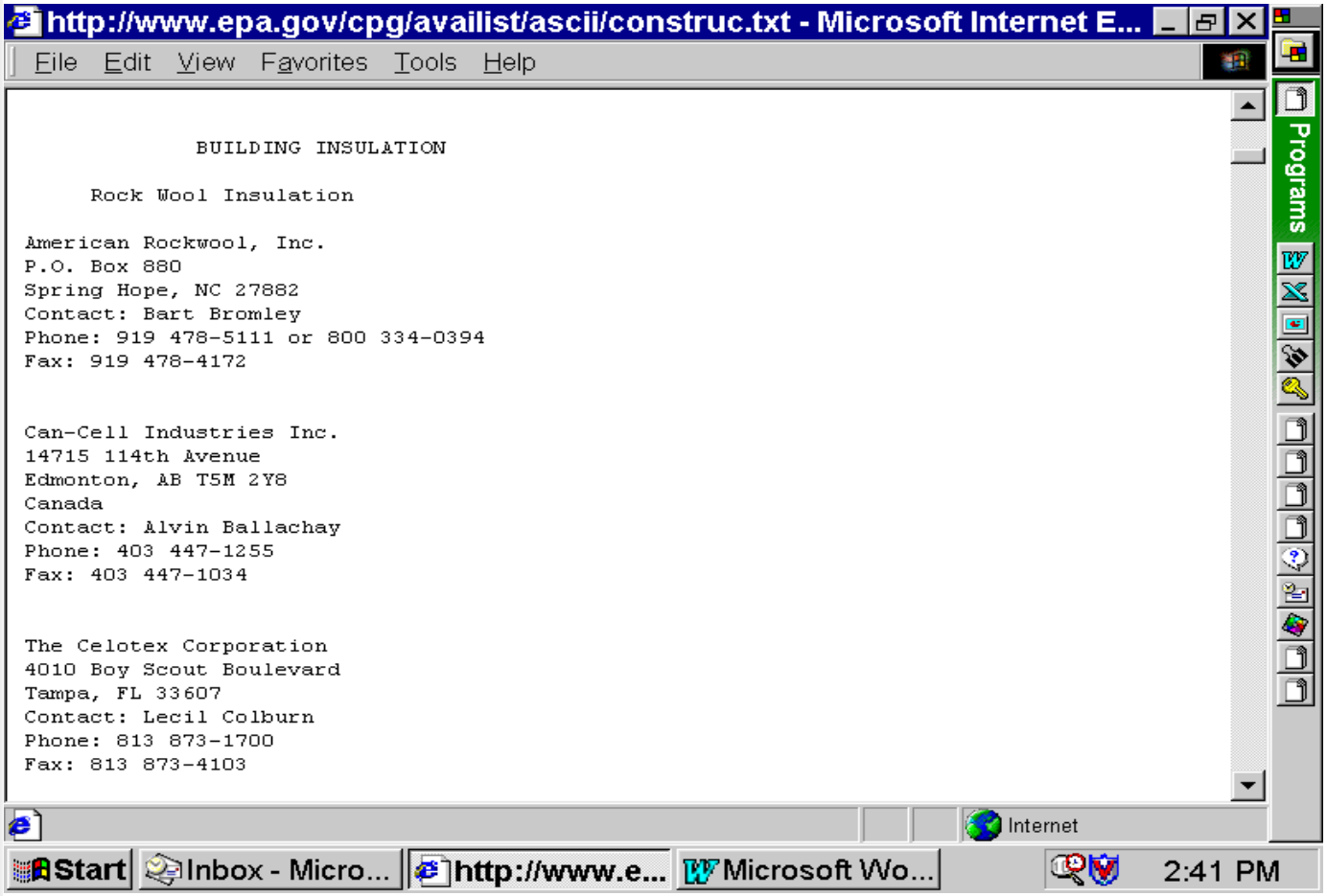
EPA CPG Web Site (cont)



EPA CPG Web Site (cont)

http://www.epa.gov/cpg/availist/ascii/construc.txt - Microsoft Internet E...

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Phone: 305 974-6700


                  PATIO BLOCKS

American RubberTech, Inc.
112-01 75th Avenue
Forest Hills, NY 11375
Contact: Frank Congemi
Phone: 718 520-0401
Fax: 718 520-6605


B & F Plastic Graphics, Inc.
540 North Eighth Street
Richmond, IN 47374
Contact: Paul Bertsch, IV
Phone: 800 562-8365 or 765 962-6125
Fax: 765 962-7170


Dodge-Regupol, Inc.
P.O. Box 989
Lancaster, PA 17608-0989
Contact: John Hollern
Phone: 717 295-3400
Fax: 717 295-3414


Enviroform Recycled Products, Inc.
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Internet

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Programs

QUESTIONS
&
DISCUSSION